

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

|                           |                                |
|---------------------------|--------------------------------|
| UNITED STATES OF AMERICA, | Case No. 2:17-cr-00193-LRH-CWH |
| Plaintiff,                | ORDER                          |
| v.                        |                                |
| DONALD S. TOOMER,         |                                |
| Defendant.                |                                |

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Carl W. Hoffman (ECF No. 87) entered on December 28, 2018, recommending denying defendant's Motion to Dismiss the Indictment or for the Imposition of Other Sanctions (ECF No. 73) entered on October 3, 2018, and granting the government's Motion for Leave to File Sur Reply (ECF No. 84) filed on November 27, 2018. No objection to the Report and Recommendation has been filed. The action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (ECF No. 87) entered on December 28, 2018, should be adopted and accepted.


///

1 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and  
2 Recommendation (ECF No. 87) entered on December 28, 2018, is adopted and  
3 accepted, and defendant's Motion to Dismiss the Indictment or for the Imposition of Other  
4 Sanctions (ECF No. 73) is DENIED.

5 IT IS FURTHER ORDERED that the government's Motion for Leave to File Sur  
6 Reply (ECF No. 84) is GRANTED.

7 IT IS SO ORDERED.

8 DATED this 25th day of January, 2019.

9  
10   
11 LARRY R. HICKS  
12 UNITED STATES DISTRICT JUDGE  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28